



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

David C. Hollister  
Director

**Determination No. 8 – Municipalities Not Opted-In**

**December 9, 2005**

**Purpose**

To provide a listing of municipalities not eligible to receive METRO Act funding.

**Analysis**

On March 14, 2003, all municipalities (cities, villages and townships) were notified by the METRO Authority that they were required to “opt-in” by May 9, 2003 if they wished to receive a first year payment (issued in late May 2003). In order to opt in, municipalities had to send the Authority as well as the providers (section 13(4)) a resolution or ordinance stating their decision to comply with the METRO Act. In addition, municipalities had to modify “. . . any fees charged to providers after November 1, 2002 relating to access to and usage of the public rights of way to an amount not exceeding the amount of fees and charges required under this Act.” Section 13(1) set the date of December 31, 2003 as the last opportunity for municipalities to become eligible to receive funds. Those municipalities that opted in between May 10, 2003 and December 31, 2003 received their 2003 payment as part of their 2004 payment.

Due to mitigating circumstances, the METRO Authority on April 7, 2004 provided 74 non-compliant municipalities one last opportunity to “opt-in” by May 15, 2004, resulting in 34 more municipalities “opting-in”.

**METRO Authority Determination**

Section 13(4) of the METRO Act requires that to be eligible to receive METRO Act funds, a municipality must have adopted a resolution, or ordinance, per subsection (1), approving the modifications of any fees charged to providers after the effective date of the Act relating to access to and usage of the public rights-of-way.

Despite the “expansion” of the opting-in period, 40 municipalities ([\*METRO Authority Municipalities Not Opted In\*](#)) failed to comply with the Act; and, therefore, have been determined not eligible to receive METRO Act funds. **NOTE:** These municipalities still must comply with the provisions of the Act.

A decision or assessment of the METRO Authority is subject to a de novo review by the Michigan Public Service Commission upon the request of an interested person pursuant to Section 17 of the METRO Act.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

David C. Hollister  
Director

**Determination No. 8 – Municipalities Not Opted-In**

**December 9, 2005**

**Purpose**

To provide a listing of municipalities not eligible to receive METRO Act funding.

**Analysis**

On March 14, 2003, all municipalities (cities, villages and townships) were notified by the METRO Authority that they were required to “opt-in” by May 9, 2003 if they wished to receive a first year payment (issued in late May 2003). In order to opt in, municipalities had to send the Authority as well as the providers (section 13(4)) a resolution or ordinance stating their decision to comply with the METRO Act. In addition, municipalities had to modify “. . . any fees charged to providers after November 1, 2002 relating to access to and usage of the public rights of way to an amount not exceeding the amount of fees and charges required under this Act.” Section 13(1) set the date of December 31, 2003 as the last opportunity for municipalities to become eligible to receive funds. Those municipalities that opted in between May 10, 2003 and December 31, 2003 received their 2003 payment as part of their 2004 payment.

Due to mitigating circumstances, the METRO Authority on April 7, 2004 provided 74 non-compliant municipalities one last opportunity to “opt-in” by May 15, 2004, resulting in 34 more municipalities “opting-in”.

**METRO Authority Determination**

Section 13(4) of the METRO Act requires that to be eligible to receive METRO Act funds, a municipality must have adopted a resolution, or ordinance, per subsection (1), approving the modifications of any fees charged to providers after the effective date of the Act relating to access to and usage of the public rights-of-way.

Despite the “expansion” of the opting-in period, 40 municipalities ([\*METRO Authority Municipalities Not Opted In\*](#)) failed to comply with the Act; and, therefore, have been determined not eligible to receive METRO Act funds. **NOTE:** These municipalities still must comply with the provisions of the Act.

A decision or assessment of the METRO Authority is subject to a de novo review by the Michigan Public Service Commission upon the request of an interested person pursuant to Section 17 of the METRO Act.